

City of Petersburg  
Alaska

**Municipal Charter**



ADOPTED AND APPROVED  
AT MUNICIPAL ELECTION MAY 25, 1972

INDEX:

Preamble .....	p. 1
Chapter I, Name and Boundaries .....	p. 1
Chapter II, General Provisions .....	p. 1
Chapter III, City Legislation .....	p. 2
Chapter IV, Form of Government .....	p. 3
Chapter V, Council .....	p. 4
Chapter VI, Officers .....	p. 5
Chapter VII, Elections .....	p. 7
Chapter VIII, Vacancies in Office .....	p. 8
Chapter IX, Transitional Provisions .....	p. 9
Chapter X, City Manager and Administrative Departments ....	p. 9
Chapter XI, Budget Procedure, General Finance Provisions, ...	p. 11
Chapter XII, Taxation .....	p. 12
Chapter XIII, Special Assessment for Public Improvements....	p. 13
Chapter XIV, Municipal Borrowing.....	p. 14
Chapter XV, Contracts.....	p. 16
Chapter XVI, Franchise.....	p. 18
Chapter XVII, Intergovernmental Relations.....	p. 19
Chapter XVIII, Public Utility Services.....	p. 20
Chapter XIX, Miscellaneous Provisions.....	p. 20

## Section 2.6 CHAPTER AND SECTION HEADINGS

The chapter and section headings used in this charter shall not be considered a part of the charter for the purpose of judicial construction or otherwise.

## Section 2.7 SEVERABILITY OF CHARTER PROVISIONS

If any portion of this charter is held to be invalid, such invalidity shall not affect the remainder of the charter; and to that end, the provisions of this charter are declared to be severable.

## Section 2.8 POWERS OF THE CITY

The City may exercise all powers not prohibited by law or by this charter. In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the City would have if the particular power were not mentioned. This charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs including all powers which a city may assume pursuant to the provisions of the Constitution of the State of Alaska.

## Section 2.9 ADMINISTRATIVE CODE

The Council shall create and adopt by ordinance an administrative code within sixty days of the ratification of this charter.

### CHAPTER III CITY LEGISLATION

## Section 3.1 ENACTMENT, PROCEDURES, CODIFICATION AND PUBLICATION OF LEGISLATION

(a) The Council shall legislate on matters of minor importance or of transitory nature by verbal motion or written resolution duly adopted. The Council shall

legislate on matters of major importance or of a permanent nature by written ordinance duly adopted.

(b) All existing and future ordinances shall be codified by the Council in a code which is hereinafter referred to as "the code."

(c) The enacting clause of each ordinance shall be "The City of Petersburg Ordains."

(d) No ordinance shall be introduced and passed at the same meeting unless an emergency is declared by an affirmative vote of all council members present.

(e) Each ordinance shall be signed by the Mayor and attested by the Clerk. If the Mayor or Clerk is absent from any meeting at which an ordinance is adopted the Acting Mayor or Acting Clerk shall sign or attest such ordinance instead of the regularly elected Mayor or regularly appointed Clerk.

(f) The Clerk shall keep all ordinances in permanent loose-leaf volumes.

(g) The City Clerk, with the advice of the City Attorney, shall codify the substantive provisions of all ordinances and shall identify each code provision to show the section and ordinance number from which the same is derived.

(h) The Clerk shall keep a loose-leaf master volume of the code and all entries therein shall be prima facie evidence of the due and proper adoption by ordinance of such provisions as are contained therein.

(i) Each ordinance adopted shall be published in such manner as is provided by the Council. If publication is made by posting, a notice of the place of posting and a brief statement of the purpose of the ordinance shall be pub-

lished in one or more of the newspapers of the City within fifteen (15) days of the day of adoption.

(j) The code shall be published in book or pamphlet from time to time and the Council may provide for keeping copies thereof up to date by the use of a looseleaf system. The Sections of the code may be revised, rearranged and reorganized by direction of the Council.

(k) The master volume of the code shall be filed in the office of the Clerk at all times.

## Section 3.2 CERTIFYING COPIES

The record of any official proceeding of the City or of any ordinance or code provision may be placed in evidence in any court or tribunal by introduction of a copy thereof certified by the Clerk under the seal of the City as a true copy of the original, in addition to other methods provided or permitted by law.

## Section 3.3 EFFECTIVE DATE OF TAX ORDINANCES

No ordinance which provides for or increases a tax shall become effective less than thirty (30) days after the date of adoption by the Council.

## Section 3.4 DUE PROCESS TO BE ACCORDED

All proceedings relative to the arrest, custody and trial of persons accused of any violation of this charter or of the code shall be conducted so as to accord due process of law to the accused.

## Section 3.5 COUNCIL ACTION

The filing with the Clerk of a sufficient referendum petition within thirty (30) days after the passage of the act of the Council to which such petition refers shall automatically suspend the operation thereof, pending repeal by the Council or final de-

termination by the electors.

## Section 3.6 BUILDING, PLANNING AND ZONING REGULATIONS

To provide for the health, safety and welfare of citizens within the City, the Council shall provide for comprehensive building, planning and zoning for the City of Petersburg.

## Section 3.7 ABATEMENT OF NUISANCES

The Council shall provide in the code for the declaration and abatement of nuisances which may be offensive or tend to endanger the health and welfare of the public, and for the assessment of the cost thereof against the property upon, or in respect of which the nuisance exists.

### CHAPTER IV FORM OF GOVERNMENT

## Section 4.1 FORM OF GOVERNMENT

The municipal government provided by this charter shall be known as the Mayor-Council-Manager Government. All powers of the City shall be exercised in the same manner prescribed by this charter, or, if the manner is not thus prescribed, then in such manner as the Council may prescribe by ordinance.

## Section 4.2 WHERE POWERS VESTED

Except as this charter provides otherwise all powers of the City shall be vested in the Council.

## Section 4.3 COUNCIL

The Council shall be composed of six Councilmen elected from the City at Large.

## Section 4.4 COUNCILMEN

The Councilmen in office at the time this charter goes into effect shall continue in office, each until the end of his term of

office. At each annual general City election after this charter takes effect two Councilmen shall be elected, each for a term of three years, the two candidates receiving the greatest number of votes being elected.

#### Section 4.5 MAYOR

At the first annual city election held after this charter takes effect, and every second year thereafter, a Mayor shall be elected for a term of two years. The Mayor in office at the time this charter is adopted shall continue until the end of his term of office.

#### Section 4.6 SALARIES

The compensation for the services of each city officer and employee shall be the amount fixed by the Council. The compensation of the Mayor and Councilmen shall be determined by ordinance. No increase in the compensation of the Mayor and Councilmen shall take effect until the Council meeting following the first general City election after the increase is ordered.

#### Section 4.7 ORGANIZATIONAL POWERS OF COUNCIL

The Council by ordinance may create, change and abolish all offices, boards, departments, commissions and agencies of the City other than those created by this charter; and may assign additional powers, duties and functions to those created by this charter.

#### Section 4.8 SEPARATION OF POWERS

Neither the Council, the Mayor nor any other City officer may direct or request the appointment of any person to, or his removal from, office or employment by the City Manager or by any other authority, or, except as provided in this Charter, participate in any manner in the appointment or removal

of officers and employees of the city. Except for the purpose of inquiry, the Council, the Mayor and its other members shall deal with the administrative service solely through the City Manager; and neither the Council, the Mayor nor any other City officer may give orders on administrative matters to any subordinate of the City Manager either publicly or privately.

### CHAPTER V COUNCIL

#### Section 5.1 MEETINGS

The Council shall hold two regular meetings each month in the City at a time and a place which it designates. It shall adopt rules for the government of its members and conduct its meetings in accordance with the Robert's Rules of Order, Revised, Foreword Copyright 1971. The Mayor or three members of the Council may call a special meeting of the Council by giving notice thereof in the manner provided by ordinance to all members of the Council then in the City but said notice shall not be given any members less than three (3) hours nor more than ten (10) days prior to the time of such meeting. Special meetings of the Council may also be held at any time by the common consent of all the members of the Council.

#### Section 5.2 QUORUM

A majority of members of the Council shall constitute a quorum for transacting business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

#### Section 5.3 RECORD

The Council shall cause a record of its proceedings to be kept. Upon the request of any

member, the ayes and nays upon any question before it shall be taken, and a record of the vote entered in the journal. A roll call vote shall be taken on all authorizations for the expenditure of funds and on the passage of ordinances.

#### Section 5.4 PROCEEDINGS TO BE PUBLIC

No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of takes place at proceedings open to the public.

#### Section 5.5 MAYOR TO PRESIDE AT COUNCIL MEETINGS

(a) The mayor shall preside at meetings of the Council and shall be recognized as the head of the City Government for all ceremonial purposes. He shall have the authority to preserve order and enforce the rules of the Council.

(b) The Mayor shall not initiate a motion.

(c) The Mayor shall not vote except in case of a tie.

#### Section 5.6 ACTING MAYOR

At its first meeting after this charter takes effect and thereafter at its first meeting after each general city election, or as soon thereafter as practicable, the Council by ballot shall elect an Acting Mayor from its membership. Whenever the Mayor is unable to perform the functions of his office, the Acting Mayor shall act as Mayor. In the absence of both, the Council shall by ballot elect a Mayor for that meeting.

#### Section 5.7 VOTE REQUIRED

Except as this charter otherwise provides, the concurrence of a majority of the members of the Council at a Council meeting shall be necessary to decide any question before the Council.

#### Section 5.8 RESTRICTION ON VOTING

No member of the Council may vote on any question upon which he has a substantial direct financial interest. Otherwise, each member of the Council shall vote on each question before the Council for determination, unless excused therefrom by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this section at any Council meeting, such question shall be determined before the main question shall be voted on, but the Council members affected may not vote on such determination.

#### Section 5.9 PARLIAMENTARIAN

The Council shall appoint a parliamentarian who shall rule on procedural questions according to the Robert's Rule of Order Revised, Foreword Copyright 1971.

### CHAPTER VI OFFICERS

#### Section 6.1 CITY OFFICERS

(a) The elective officers of the City are the Mayor and six Councilmen.

(b) The appointive officers of the City are the City Manager and the City Attorney.

(c) All officers of the City other than elective and appointive officers are administrative officers.

#### Section 6.2 QUALIFICATIONS FOR ELECTIVE OFFICES

(a) No person shall be elected to any elective office, except by the Council to fill a vacancy, unless such person shall file a nominating petition or declaration of candidacy as prescribed by the Council. No person shall hold any elective office unless he is an elector qualified under Sections

1 and 2 of Article V of the Constitution of the State of Alaska and, in addition, has resided within the City for a period of one year. The Council shall be the final judge of the qualifications and election of its members subject to review by a court of competent jurisdiction. Residents in an area annexed to the City prior to the election of an official having such residence shall be considered residents within the City.

(b) A person appointed to fill a vacancy in an elective office must have such qualifications at the time of his appointment.

**Section 6.3 PERSONS INELIGIBLE FOR CITY OFFICE OR EMPLOYMENT.**

A person who holds an elective city office shall not be eligible for appointment to an office or for employment for which a salary is paid by the City, except for the office or employment as a regular or special, teacher, principal, supervisor, superintendent, librarian, director of pupil personnel or other member of the teaching or professional staff engaged in the service of a public elementary or secondary school of the City for whom certification is required as a condition of employment.

**Section 6.4 DELIVERY OF OFFICE TO SUCCESSOR**

Whenever an officer or employee leaves an office or employment for any reason, he shall deliver forthwith to his successor in the presence of the Mayor, all property of the City such as books, working papers, moneys and effects, which are in his custody, possession or control.

**Section 6.5 MAYOR**

The Mayor shall appoint the committees provided for by ordinance or the Council. He shall

sign all approved records of proceedings of the Council. He shall countersign all orders of the treasury in the absence of the City Manager. The Mayor shall have no veto power. Ordinances passed by the Council, with or without his signature, become law within three days after their passage. After the Council approves a bond for a license, contract, or proposal, the Mayor shall endorse the Council's approval on the bond.

**Section 6.6 CITY CLERK**

The City Clerk shall serve as ex-officio Clerk of the Council, attend all its meetings unless excused therefrom by the Mayor, keep an accurate record of its proceedings in a book provided for that purpose, and sign all orders on the treasury. In the City Clerk's absence from his duties, the Mayor shall appoint a City Clerk pro tem, who, while acting in that capacity, shall have all the authority and duties of the Clerk of the Council. Except as the Council provides otherwise by ordinance, the City Clerk shall collect or receive revenue and other money for the City; shall be responsible for its custody, safe-keeping, deposit and disbursement, in accordance with this charter and the ordinances of the City; and shall maintain general accounting system for the City.

**Section 6.7 CITY ATTORNEY**

(a) The City Attorney shall act as the legal adviser of and be responsible to the Council. He shall advise the City Manager and the City Clerk concerning legal problems affecting the City.

(b) He shall perform such other duties as may be prescribed by the Council.

**Section 6.8 OFFICERS TO CONTINUE UNTIL SUCCESSORS ARE ELECTED OR AP-**

**POINTED AND QUALIFY**

Every officer who is elected or appointed for a term ending at a definite time, shall continue to serve thereafter until his successor is elected or appointed and qualifies unless his services are otherwise terminated.

**Section 6.9 OFFICIAL BONDS**

The City Clerk and such other officers and employees as the Council may designate, before entering upon their duties, shall provide bonds issued by a surety company for the faithful performance of their respective duties, payable to the City, in such form and in such amounts as the Council may prescribe. The City shall pay the premiums on such bonds.

## CHAPTER VII ELECTIONS

**Section 7.1 REGULAR ELECTIONS**

Regular annual city elections shall be held on the first Tuesday after the first Monday in November of each year.

**Section 7.2 NOTICE OF REGULAR ELECTIONS**

The City Clerk, subject to any directions from the Council shall give at least twenty (20) days notice of each regular and special City election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the City, and by publishing the notice in a newspaper of general circulation within the City twice prior to the election. The notice shall state the officers to be elected, each proposition to be voted upon, and the time, date and place of the election.

**Section 7.3 QUALIFICATIONS OF ELECTORS**

(a) To be eligible to vote at any city election, a person shall be

registered as an elector of the City. The Council shall prescribe in the code the procedure for the registration of electors by the City Clerk and his authorized representatives. Every resident of the City may register as an elector of the City within the time prescribed in the code if he is, or will be, at the time of the elections:

- (1) a citizen of the United States;
- (2) immediately preceding the election, for one year, a resident of Alaska and for one year a resident of the City.

(b) Electors of the City shall be those having the qualifications set forth in Section 7.3 (a) of this chapter.

(c) The Council shall provide in the code for the proper conduct of elections and the prevention of fraudulent voting.

**Section 7.4 CANVASS OF RETURNS**

In each special and regular City election the returns therefrom shall be filed with the City Clerk by noon of the day following; and not later than seven days after the election, the Council shall meet and canvass the election. The results of all elections shall be noted in the record of the proceedings of the Council. The record shall contain a statement of the total number of votes cast at each election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the City Clerk shall make and sign a certificate of election of each person elected and on call deliver the certificate to

him. A certificate so made shall be prima facie evidence of the truth of the statements contained in it.

#### Section 7.5 ELECTION PROCEDURE

(a) No candidate shall file for an election or run for office as a member of any party which is active in national or state elections.

(b) The Council provide by ordinance for:

(1) the nomination of candidates for elective City offices;

(2) the procedure for the recounting of ballots cast in the event a recount is demanded;

(3) all other matters necessary for the holding and canvassing of City elections.

(c) Except for absentee voting, the Council may provide for the use of voting machines in lieu of paper ballots.

#### Section 7.6 TIE VOTES

In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council canvassing the election.

#### Section 7.7 COMMENCEMENT OF TERMS OF OFFICE

The term of office of a person elected at a regular City election shall commence after the disposal of old business on the day of the first regular Council meeting immediately following the election.

#### Section 7.8 OATH OF OFFICE

Every elective officer and the City Clerk of the City, before entering upon their duties, shall take the oath or affirmation required by Section 5 of Article XII, Constitution of the State of Alaska. The Council may require designated employees to take such oath before entering their employment; oaths of of-

fice shall be filed with the City Clerk.

### CHAPTER VIII VACANCIES IN OFFICE

#### Section 8.1 CONDITIONS RESULTING IN VACANCY

An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony or an offense pertaining to his office; unlawful destruction of public records; resignation; recall from office pursuant to Article XI, Section 8 of the Constitution of the State of Alaska; removal from or ceasing to possess the qualifications for the office; failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his term of office to commence; and in the case of a Mayor or Councilman, upon his absence from the City for thirty (30) days without the consent of the Council or upon his absence from meetings of the Council for sixty (60) days without like consent, and upon a declaration by the Council of the vacancy.

#### Section 8.2 RECALL OF ELECTED OFFICERS

Any elected official of the City, including persons elected to fill vacancies in such offices, may be recalled at any time for malfeasance, misfeasance or nonfeasance in office, failure to uphold one's oath of office, dishonesty or incompetency, in the manner prescribed by law for the recall of elected officials in general law cities of Alaska. The successor of any person recalled shall be elected in the manner therein prescribed. The Council may supplement the State Law by ordinance with provisions not inconsistent therewith.

#### Section 8.3 FILLING OF VACANCIES

Vacancies in elective offices in the City shall be filled by vote of a majority of the incumbent members of the Council. Each appointee's term of office shall begin immediately upon his appointment and qualification, and shall continue until the first Council meeting following the next general City election unless the appointee is sooner removed from office. During the temporary disability of any officer or during his absence temporarily from the City for any cause, his office may be filled pro-tem in the manner provided for filling vacancies in such offices.

If a vacancy occurs in an appointive office, such vacancy shall be filled within forty-five (45) days thereafter in the manner provided for making the original appointment. Such time may be extended, for not more than an additional ninety (90) days by Council resolution setting forth the reasons therefor.

### CHAPTER IX TRANSITIONAL PROVISIONS

#### Section 9.1 EXISTING ORDINANCES CONTINUED

All ordinances of the City consistent with this charter and in force when it takes effect shall remain in effect until amended or repealed or until they expire by their own limitation.

#### Section 9.2 OFFICERS AND EMPLOYEES CONTINUED

When this charter goes into effect, all officers and employees of the City shall continue in their respective offices and positions under this charter until their respective terms expire or their services are terminated in accordance with the provisions of this charter and or-

dinances relating to the creation, change and abolition of offices and positions, and removal of officers and employees, as the case may be.

#### Section 9.3 PENDING ACTIONS AND PROCEEDINGS

The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it goes into effect, brought by or against the municipality or any office, board, department, commission, agency or officer thereof.

### CHAPTER X CITY MANAGER AND ADMINISTRATIVE DEPARTMENTS

#### Section 10.1 THE COUNCIL TO PROVIDE FOR THE CITY ADMINISTRATION

The Council shall provide in the Administrative Code for the organization of the administrative offices and departments of the City and shall prescribe their duties and functions.

#### Section 10.2

##### (a) APPOINTMENT; QUALIFICATIONS; COMPENSATION

The Council shall appoint by a vote of the majority of its members a City Manager for an indefinite term and fix his compensation. The manager shall be appointed solely on the basis of his executive and administrative qualifications. He need not be a resident of the city or state at the time of his appointment but may reside outside the city while in office only with the approval of the Council.

##### (b) REMOVAL

The Council may remove the manager from office in accordance with the following procedures:

(1) The Council shall adopt by affirmative vote of a majority of all its members a preliminary

any resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.

(2) Within five days after a copy of the resolution is delivered to the manager, he may file with the Council a written request for a public hearing. This hearing shall be held at a Council meeting not earlier than fifteen days nor later than thirty days after the request is filed. The manager may file with the Council a written reply not later than five days before the hearing.

(3) The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the manager, if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The manager shall continue to receive his salary until the effective date of a final resolution of removal. The action of the Council in suspending or removing the manager shall not be subject to review by any court or agency.

#### Section 10.3 ACTING CITY MANAGER

By letter filed with the City Clerk, the manager shall designate, subject to approval of the Council, a qualified city administrative officer to exercise the powers and perform the duties of manager during his temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the city to

serve until the manager shall return or his disability shall cease.

#### Section 10.4 POWERS AND DUTIES OF THE CITY MANAGER

The City Manager shall be the chief administrative officer of the city. He shall be responsible to the Council for the administration of all city affairs placed in his charge by or under this charter. He shall have the following powers and duties:

(a) He shall appoint and, when he deems it necessary for the good of the service, suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(b) He shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law.

(c) He shall attend all council meetings and shall have the right to take part in discussion but may not vote.

(d) He shall see that all laws, provisions of this charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.

(e) He shall prepare and submit the annual budget and capital improvement program to the Council.

(f) He shall submit to the Council and make available to the

public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(g) He shall make such other reports as the Council may require concerning the operations of city departments, offices and agencies subject to his direction and supervision.

(h) He shall keep the Council fully advised as to the financial condition and future needs of the city and make such recommendations to the Council concerning the affairs of the city as he deems desirable.

(i) He shall countersign all orders on the treasury.

(j) He shall perform such other duties as are specified in this charter or may be required by the Council.

#### Section 10.5 PUBLIC LIBRARY

The public library or libraries shall constitute, or be a part of, an administrative department; and shall be under the administrative supervision and control of an officer or of a board established by ordinance.

#### Section 10.6 HOSPITAL

The city hospital or hospitals shall constitute, or be a part of, an administrative department; and shall be under the supervision and control of an officer or of a board established by ordinance and appointed by the City Manager, as the Council may ordain.

#### Section 10.7 MUSEUM

The museum or museums shall constitute, or be a part of, an administrative department; and shall be under the supervision and control of an officer or of a board established by ordinance and appointed by the City Manager, as the Council may ordain.

#### Section 10.8 PARKS

The city park or parks shall

constitute, or be a part of, an administrative department; and shall be under the supervision and control of an officer or of a board established by ordinance and appointed by the City Manager, as the Council may ordain.

### CHAPTER XI BUDGET PROCEDURE AND GENERAL FINANCE PROVISIONS

#### Section 11.1 FISCAL YEAR

The fiscal year of the City shall be as established by the Council, unless otherwise provided by law.

#### Section 11.2 BUDGET STATEMENT OF CITY MANAGER

During or prior to the sixth week preceding the first day of the fiscal year, the City Manager shall present to the Council a budget proposal for the next fiscal year of the City. Such budget proposal shall set forth the City Manager's recommendations for, and an analysis of, the anticipated income and expenditures of the City during the next fiscal year, together with the comparative figures showing the estimated corresponding amounts for the current year and comparisons with the previous year. The proposed expenditures set forth in the budget proposal shall not exceed the expected revenues of the City. Unencumbered funds remaining at the end of the current fiscal year may be reallocated for purposes set forth in the budget proposal.

#### Section 11.3 BUDGET ADOPTION PROCEDURE

(a) The budget proposal of the City Manager shall be reviewed by the Council and shall be available for public inspection in the office of the City Clerk.

(b) The Council shall direct that a public hearing on the budget proposal be held not less than one (1) week before its final adoption. A notice of the public hearing shall be published once in a newspaper by the City Clerk at least one week prior to the date of hearing.

(c) At the regular meeting held not less than ten days prior to the end of the fiscal year, the Council shall by resolution, adopt a budget for the following fiscal year and make an appropriation of the money needed therefor.

(d) If the Council does not adopt a budget prior to the third day preceding the commencement of the next fiscal year, the budget proposal shall become an appropriation and the budget for the fiscal year without further Council action.

#### Section 11.4 BUDGET CONTROL

(a) Unencumbered appropriation balances may be transferred within a department by the City Manager at any time. At the request of the City Manager or on its own initiative, the Council may transfer unencumbered balances from one office, department, or agency to another.

(b) The City Manager shall submit periodically to the Council information comparing estimated and actual revenues and expenditures to the end of the preceding month.

#### Section 11.5 WITHDRAWAL OF FUNDS

(a) All funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the Council.

(b) The Council shall prescribe the method for the disbursement of the City funds.

#### Section 11.6 INDEPENDENT AUDIT

An independent audit shall be made of all accounts of the City at least annually and more frequently if deemed necessary by the Council. The annual audit shall be made by a certified public accountant employed by the Council and shall be completed within thirty days following the close of the fiscal year. The audit shall be open to public inspection during normal working hours.

### CHAPTER XII TAXATION

#### Section 12.1 TAXATION BY ORDINANCE

The Council shall provide in the Code for the annual assessment, levy and collection of

City taxes.

#### Section 12.2 EXEMPTIONS

The power of taxation shall never be surrendered. No exemptions from taxation shall be allowed, except such as are expressly allowed by law. Private leaseholds, contracts or interest in land or property owned or held by the United States, the State, or its political subdivisions, shall be taxable to the extent of the interest.

#### Section 12.3 ASSESSMENT DAY

The taxable status of property shall be determined as of the first day of January, or such other date as may be required by law, which shall be the assessment day. Values on the assessment roll shall be determined according to the facts existing on the assessment day for the year for which the assessment roll is made, and no changes of the status of any property after that day shall be considered by the Council when acting as a board of Equalization. The standard of appraisal, as used by the City Assessor, shall be fol-

lowed by the Council when established as a board of Equalization.

#### Section 12.4 REAL PROPERTY TAX

The City shall have a lien against all parcels of real property for the amount of property taxes assessed against the same and for the payment of all collection charges, penalties and interest accruing thereon after the same are delinquent. Such liens may be foreclosed and enforced in the manner provided by law and in the absence of such provisions in the manner prescribed by the Council. Property may be acquired by the City by deed from the owner in payment of such taxes, interest and penalties and when so acquired shall be considered to have been acquired by tax foreclosure. Property acquired by foreclosure or tax liens may be retained or disposed of by the Council in the same manner as other city property.

#### Section 12.5 SALE AND USE TAX

Any sales or use tax or change in rate thereof shall be by ordinance ratified by a majority of the qualified voters voting on the question.

### CHAPTER XIII SPECIAL ASSESSMENTS FOR PUBLIC IMPROVEMENTS

#### Section 13.1 PROCEDURE FOR SPECIAL ASSESSMENTS

The Council shall provide by ordinances the procedure by which it may make special assessments to pay for public improvements. It shall provide for the initiation of proceedings to authorize such special assessments either by petition or by its own motion.

#### Section 13.2 EXPENDITURES

#### BEFORE FUNDS FOR IMPROVEMENT ARE AVAILABLE

No expenditures, other than for administrative, engineering and legal work for any local improvement, the cost of which is to be borne by special assessments on the property benefited, shall be made unless the cash is on hand or bonds have been authorized to finance the cost thereof.

#### Section 13.3 CORRECTION OF INVALID SPECIAL ASSESSMENTS

If any special assessment procedure of the Council shall be irregular or invalid for any reason, the Council may correct the same at any time within ninety days after the confirmation of the special assessment roll or after final determination of any litigation thereon, whether before or after the completion of the local improvement to which the special assessment applies. If payments of special assessments have been made under the irregular or invalid procedure, such payments shall be credited to payments required under the corrected procedure and any excess then remaining shall be refunded.

#### Section 13.4 LIMITATIONS ON SUITS AND ACTIONS

No special assessment procedure shall be contested by any action at law or in equity unless commenced within sixty days after the confirmation of the special assessment roll therefor. If no such action be so commenced, the procedure for such local improvement shall be conclusively presumed to have been regular and complete.

#### Section 13.5 LIEN FOR AND COLLECTION OF SPECIAL ASSESSMENTS

(a) The City shall have a first lien upon all real property

against which special assessments are assessed, and any such lien shall be of the same character, effect, and duration, and shall be enforceable in the same manner as the lien of City Taxes.

(b) The Council shall provide procedure in the code for the collection of special assessments and the collection charges, penalties and interest which shall be added for the delayed or delinquent payment thereof.

#### Section 13.6 RECEIPTS FROM SPECIAL ASSESSMENTS

Accounts for special rolls shall be created and kept separate from all other city accounts. Moneys collected from special assessments shall be used solely to pay the cost of the improvements to which they apply including the principal of and interest on indebtedness of the City incurred to make the improvements.

#### Section 13.7 ALL REAL PROPERTY LIABLE FOR SPECIAL ASSESSMENTS

All real property, including such as is exempt from taxation by law shall be liable for the cost of local improvements assessed in accordance with this chapter, unless specifically exempted by law from special assessments.

#### Section 13.8 POWER OF CONDEMNATION

The City shall have power to acquire property inside or outside its corporate limits, by condemnation for any municipal purpose, whether or not such property is already devoted to public use, and to condemn such excess beyond that needed as an actual improvement as may reasonably be required to protect, preserve, or facilitate the making and financing of, the improvement, and to sell or lease

such excess property with restrictions necessary to protect and preserve the improvement. When the City acquires property by condemnation either inside or outside its corporate limits, any applicable provisions of state law relating to condemnation which are binding on the City shall be observed.

### CHAPTER XIV MUNICIPAL BORROWING

#### Section 14.1 GENERAL AUTHORIZATION TO BORROW MONEY

(a) The City shall have the power to borrow money for any public purpose and to issue its evidences of indebtedness therefor. Such evidences of indebtedness shall include, but not be limited to those enumerated in the following three categories:

(1) Bonds for capital improvements authorized by the Council and a majority of the electors voting thereon at any regular or special election:

a. General obligation bonds, the principal and interest of which are payable wholly or partially from taxes levied upon the taxable real and personal property in the City, and for the payment of which the full faith and credit of the City are pledged without limitation as to rate or amount.

b. Special assessment bonds, which are issued in anticipation of the payment of special assessments, or any combination of two or more special assessments, which bonds shall be both an obligation of the special assessment district or districts and a general obligation of the City.

c. General obligation bonds which are also secured by the revenue from a revenue-pro-

ducing utility, such bonds being issued for the acquisition, construction or improvement of the utility.

(2) Revenue bonds which are payable only from the revenue of a revenue producing public utility, or more than one such utility, and do not constitute a general obligation or debt of the City. Such revenue bonds shall be authorized by the Council and ratified by a majority by the electors.

(3) The following bonds and other obligations which may be authorized by the Council and do not require ratification by the qualified electors of the City, to-wit:

a. Revenue or tax anticipation notes which may be issued in anticipation of the collection of revenue, in or during the current fiscal year of the City, for the purpose of meeting appropriations during the year; the total of such indebtedness shall never exceed one-half of one percent ( $\frac{1}{2}$  of 1 per cent) of the assessed value of all real and personal property in the City.

b. Disaster bonds or notes to be issued in case of fire, flood, wind, explosion, war damage, volcanic action, earthquake, or other calamity for the preservation and rehabilitation of municipal capital improvements, in a sum not to exceed two percent (2 per cent) of the assessed value of all the real and personal property in the City, and due in not more than ten years.

c. Notes or loans from accumulated reserves of the City on a definite plan for the repayment thereof and of interest thereon as provided by the Council.

b. Bonds or notes on which

a vote of the electorate is not required may be authorized by the Council. No such bonds or notes shall be issued, however, until not less than thirty days have passed from the date of Council authorization; provided, however, disaster bonds or notes may be issued immediately upon being authorized by the Council.

(c) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued. No officer of the City shall use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue or a part thereof remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council shall authorize the use of such unexpended and unencumbered funds only in accordance with the following priority:

(1) For the retirement of such bond issue.

(2) If such bond issue has been fully retired, then for the retirement of other bonds or obligations of the City.

(3) For any other public improvement purpose or purposes of a like nature.

(4) If such funds cannot be used as above permitted, then in any other manner determined by the Council.

(d) No bond or other evidence of indebtedness of the City, regardless of type or purpose, shall bear interest, either directly or indirectly, at the rate exceeding the maximum permitted by law for general law cities.

(e) All bonds and other evidence of indebtedness of the City shall be signed by the Mayor and countersigned by the Clerk under the seal of the City. Interest coupons shall be ex-

ecuted with the facsimile signature of the signature of the Clerk. (f) A complete and detailed record of all bonds and other evidences of indebtedness shall be kept by an officer designated in the Municipal code. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "paid" or otherwise cancelled on its face.

#### Section 14.2 LIMITATIONS UPON BORROWING POWER

(a) The outstanding general obligation indebtedness of the City incurred for all public purposes shall not at any time exceed fifteen percent (15 percent) of the assessed value of all the real and personal property of the City. The restrictions imposed by this charter on contracting debt shall not apply to debt incurred through the issuance of revenue bonds when the only security is the revenues of the enterprise, nor to bonded indebtedness to be paid from special assessments on benefited property, nor to refunding indebtedness. In determining the debt limit of the City, there shall be deducted from the amount of the outstanding bonded indebtedness any amount credited to or on deposit for debt retirements, and any portion of reserve funds or accounts pledged to the payment of the principal amount of any outstanding bonded indebtedness. Money may be borrowed for reasons of disaster, as permitted by Section 14.1 (a) beyond limit imposed by this section.

(b) Except when delay is caused by litigation, or when a bond issue has been authorized to be issued in two or more parts or series, if any bonds are not sold, the authorization of any bonds may be voided at any time by the Council, by

resolution. If any bonds are not sold within ten years after authorization, such authorization shall be null and void as to the bonds which remain unsold.

### CHAPTER XV CONTRACTS

#### Section 15.1 AUTHORITY OF COUNCIL

All contracts, except as otherwise provided in Section 15.2 hereof, shall be authorized by the Council and, if in writing, shall be signed on behalf of the City Manager and the City Clerk. They shall be approved as to form by the City Attorney if the Council requires such approval.

#### Section 15.2 PURCHASE AND SALE OF CITY PROPERTY

The Council shall, under the administrative code establish the procedures for the purchase and sale of City property and equipment. Such procedures shall include a provision for the centralized purchasing on behalf of the City. The procedures shall also provide the dollar limit within which purchases of City property and equipment may be made without specific Council approval. Such procedures shall also provide for the making of emergency purchases and contracts which shall not be subject to Section 15.3 (c) of this chapter when an emergency exists.

#### Section 15.3 LIMITATIONS ON CONTRACTURAL POWER

(a) The Council shall have power to enter into only those contracts which, by the terms thereof, will be fully executed within a period of five years. This limitation shall not apply to contracts concerning interests in real property. Any contract, other than a franchise, which will not be fully executed within a period

of five years shall first receive the approval of a majority of the qualified electors of the City who vote thereon. This restriction shall not apply to any contract for services with a public utility or with other governmental units, nor to contracts for debt secured by the bonds or notes of the city.

(b) The Council shall provide in the code the procedure whereby the City may purchase, sell, lease or dispose of real property. No action of the Council to dispose of any City interest in real property dedicated to public use shall be final until the resolution to do so has been on file in the office of the City Clerk for thirty days.

(c) Except as authorized by Section 15.2 each contract for the construction of public improvements or for the purchase or sale of personal property shall be let only after opportunity for competitive bidding and after appropriate notice thereof of not less than two weeks. All bids shall be opened in public at the time and place designated in the invitation for bids. The Council may reject any or all bids. If, after opportunity for competitive bidding, no bids are received are not satisfactory to the Council, it may authorize the City Manager to negotiate for a contract in the open market. The Council may waive any and all irregularities.

(d) The Council may approve contracts for engineering, architectural, legal, medical and other professional services for the City without competitive bidding. Such contracts shall not exceed two years, except for completion of work in progress under architectural or engineering contracts.

#### Section 15.4 BUSINESS DEALINGS WITH THE CITY

The Council shall provide in the code the procedure whereby an officer or employee of the City, who intends to have business dealing with the City whereby he may derive income or benefits other than those provided as a remuneration for his official duties or the duties of his employment, shall file with the City Clerk a statement, under oath, setting forth the nature of such business dealings and his interest therein, not less than ten days before the date when action may be taken by the Council or by any officer or agency of the City upon the matter involved. Such statement shall be sufficient for continuing transactions of a similar or like nature for six months from the date of its filing.

#### Section 15.5 PERSONAL INTEREST

Neither the Mayor, Councilman, City Manager, nor any other City employee shall sell or barter anything to the City or to a contractor supplying the City; or make any contract with the City; or purchase anything from the City other than those things which the city offers generally to the public (as for example, utility services) and then only on the same terms as are offered to the public; unless an invitation to submit sealed bids is published, and the City accepts the sealed bid which is most advantageous to the City; provided that such sale, contract or purchase involving a consideration of not more than \$500 in value, may be made without bids at prices or rates prevailing in the community and without discrimination. Any such officer violating this section, upon conviction

thereof, shall thereby forfeit his office. Any violation of this section, with the knowledge, express or implied, of the person or corporation contracting with the city, shall render the contract voidable by the City Manager or the Council.

## CHAPTER XVI FRANCHISE

### Section 16.1 PUBLIC UTILITY FRANCHISE

The city may grant a franchise to any person for the use of the streets, alleys, bridges, easements, and other places of the City for the furnishing of any public utility service to the City and its inhabitants. Public utility franchises and renewals, amendments, and extensions thereof shall be granted only by contract. Public utility franchises shall include provisions for fixing rates and charges, and may provide for readjustments thereof at periodic intervals. With respect to any public utility franchise granted after the effective date of this charter, whether or not so provided in the granting contract, the City may:

(a) terminate the same for the violation of any of its provisions, for the misuse or nonuse thereof, for failure to comply with any provision thereof, or any regulation imposed under authority of this charter or of the code.

(b) require proper and reasonable extension of plant and the maintenance thereof at the highest practicable standard of efficiency.

(c) establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates.

(d) require continuous and unin-

terrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.

(e) impose other regulations determined by the Council to be conducive to the health, safety, welfare, and convenience of the public.

(f) require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, bridges, easements, and public places by the City and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor; and in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor.

(g) require the public utility to pay any part of the cost of improvement or maintenance of streets, alleys, bridges, easements, and public places, that arise from its use thereof, and to protect and save the City harmless from all damages arising from such use; and

(h) require the public utility to file with the City Clerk reports concerning the utility and its financial operation and status and to file with the City Manager such drawings and maps of the location and nature of its facilities as the Council may request.

### Section 16.2 LIMITATIONS OF THE GRANTING OF FRANCHISES

No franchise shall be granted by the City for a term exceeding twenty years and no exclusive franchise shall ever be granted. Each franchise shall include a provision requiring the franchise to take effect within one year after the adoption of the ordinance granting it. An irrevocable

franchise and any extensions to or amendments to such a franchise may be granted by the city only upon approval of at least three-fifths of the votes cast with respect to such proposition at a general or special election

in the City. Such irrevocable franchise shall be subject to the conditions set forth in Section 16.1 An irrevocable franchise may be approved by the Council for referral to the electorate, only after a public hearing has been held thereon and after the grantee named therein has filed with City Clerk his unconditional acceptance of all terms of franchise. No special election for such purpose may be ordered by the Council, unless the estimated expense of holding such election has first been paid to the fiscal officer of the City by the grantee. In case a balance remains in the amount paid, after the expenses of the election are deducted therefrom, such balance shall be repaid to the grantee.

### Section 16.3 PROCEDURE FOR GRANTING FRANCHISES

Every contract granting a franchise, license, or right to occupy or use streets, alleys, bridges, public places, or easements, shall remain on file with the City Clerk for public inspection in its final form for at least thirty days before the final approval thereof, or the approval thereof for referral to the electors of the city.

### Section 16.4 SALE OR ASSIGNMENT OF FRANCHISES

The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the Council gives its consent. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage his property or

franchise, nor shall it restrict the rights of the purchaser, upon foreclosure sale, to operate the same, except that such mortgage or purchaser shall be subject to the terms of the franchise and provisions of this charter and the code.

### Section 16.5 PLANS OF FACILITIES IN STREETS AND PUBLIC PLACES

The Council may require in the code that, as a condition to the placing or installment thereof, each public utility conducting a business in the city shall file with the City Manager a duplicate copy of the layout plans of pipes, conduits, wires, and other facilities and appurtenances which are to be placed on, under, or above the surface of the city's streets, alleys, bridges, easements, and public places.

## CHAPTER XVII INTERGOVERNMENTAL RELATIONS

### Section 17.1 AGREEMENTS FORTRANSFERRING POWERS

Agreements, including those for cooperative or joint administration of any function or power, may be made by the Council with any local government, with the State, or with the United States, unless otherwise provided by law. In the event that the City become part of a Borough the Council may transfer to the borough any City power or function unless prohibited by law. Such transfer shall not take effect for ninety (90) days following approval by the Council. The Council may at any time revoke the transfer.

### Section 17.2 COOPERATION WITH OTHER GOVERNMENTS

The City may cooperate with the United States, with the State, or its political subdivisions, or with other States and their

political subdivisions, on matters of common interest. For this purpose the Council may make all necessary appropriations.

#### Section 17.3 CITY REPRESENTATIVES ON BOROUGH ASSEMBLY

In the event that the City become part of a Borough, the City shall participate in borough affairs. The Council shall elect from its membership the City's representatives on the Borough Assembly. It shall also elect alternates, any of whom may serve in case of the temporary absence of representatives.

#### Section 17.4 VACANCIES IN OFFICE OF REPRESENTATIVE ON THE ASSEMBLY

Any vacancy in the office of City Representative on the Assembly shall be filled by the Council within thirty (30) days after such vacancy occurs.

#### Section 17.5 COMPENSATION OF REPRESENTATIVES ON THE ASSEMBLY

Compensation received by City representatives on the Assembly shall not constitute compensation from the City and shall be retained by such representatives.

### CHAPTER XVIII PUBLIC UTILITY SERVICES

#### Section 18.1 GENERAL POWERS RESPECTING MUNICIPAL UTILITIES

The City shall have power to acquire, own, operate, promote and regulate public utilities, either within or beyond its corporate limits, and may also sell utility services beyond its corporate limits.

#### Section 18.2 RATES

(a) The Council shall provide by ordinance for the establishment and operation of public utilities by the City, and shall provide for

their regulation, promotion, control and the fixing of the rates to be charged, which must be sufficient to return to the City a reasonable profit after taxes.

(b) No agreements shall be made for utility services outside of the City which will return to the City less net revenues than it realizes for the same services within the City. Higher rates for utility service outside of the City may be established by the Council.

(c) Transactions pertaining to the ownership and operation of each municipal utility shall be recorded in a separate group of accounts, which shall be classified in accordance with the generally accepted accounting practices. An annual report shall be prepared to show the financial position of each city utility and the results of operation. Such reports shall be available for inspection at the office of the City Clerk.

#### Section 18.3 COLLECTION OF MUNICIPAL UTILITY RATES AND CHARGES

The Council shall provide in the code for the collection of rates and charges for public utility service furnished by the City. When any person fails or refuses to pay to the City any sums due on utility bills the service upon which such delinquency exists may be discontinued and suit may be brought for the collection thereof.

### CHAPTER XIX MISCELLANEOUS PROVISIONS

#### Section 19.1 PORT AND HARBOR JURISDICTION

The Council shall regulate the use and development of all waters and submerged lands which are subject to the jurisdiction of the City.

#### Section 19.2 OTHER MUNICIPAL SERVICES

The Council shall provide for the furnishing of such municipal services as it deems necessary for the protection of the health, safety, welfare and morals of the public. When the interests of the City so require, the Council may authorize plans or agreements for reimbursing the City for providing the above services to tax-exempt persons or agencies, whether private or governmental.

#### Section 19.3 INITIATIVE AND REFERENDUM

The powers and rights of the initiative and referendum are reserved to the people of the City. Initiative and referendum actions shall require a petition signed by twenty percent (20 percent) of the qualified electors voting at the last regular annual election. The petition shall be submitted to the voters at an election not later than ninety (90) days after its submission. A vote of a majority of the electors who vote on the question shall be required for adoption. An ordinance adopted by the initiative procedure may not be amended or repealed by the Council for a period of two (2) years after the date of the election at which it was adopted, and should two or more ordinances adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail. Ordinances repealed by referendum shall be null and void from the day following the day of election.

#### Section 19.4 AMENDMENT OF CHARTER

This charter may be amended by proceedings commenced by the vote of five members of the Council or by an initiatory petition in which case the re-

quirements for the regulating of initiative and referendum shall apply.

#### Section 19.5 CHARTER RATIFICATION

The amended charter shall be submitted to the qualified electors of the City of Petersburg at a special election on a date to be determined by the Council. If a majority of the electors voting upon the proposed charter amendment vote in favor of it, the amendment shall become effective at the time given in the amendment or, if no time is therein fixed, thirty (30) days after its adoption by the voters.

#### Section 19.6 CERTIFICATION

The undersigned members of the Charter Commission of the City of Petersburg do hereby certify that said Commission has amended the Charter in the foregoing manner and proposes the same for the government of the City of Petersburg.

IN WITNESS WHEREOF, we have subscribed our names this \_\_\_\_\_ day of \_\_\_\_\_, 1972 in the City of Petersburg, Alaska.

Ray Slack, Chairman

Bill Nolph

Gary Oines

Bob Burrell

Max Worhatch

Joyce Avery

Harold Lee

Dick Greseth

Gerald Lind

ATTEST:

Anne Taylor, Secretary